

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

DIANE OWENS, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

FIRSTENERGY CORP., CHARLES E.
JONES, JAMES F. PEARSON, STEVEN E.
STRAH and K. JON TAYLOR,

Defendants.

CHANA FRAND, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

FIRSTENERGY CORP., CHARLES E.
JONES, JAMES F. PEARSON, STEVEN E.
STRAH and K. JON TAYLOR,

Defendants.

Civil Action No. 2:20-cv-03785-ALM-KAJ

Civil Action No. 2:20-cv-04287-JLG-EPD

**NOTICE OF NON-OPPOSITION OF JAMES J. DURRETT JR. TO COMPETING
MOTIONS FOR CONSOLIDATION OF THE ACTIONS, APPOINTMENT AS LEAD
PLAINTIFF, AND APPROVAL OF LEAD COUNSEL**

**TO THE CLERK OF THE COURT, ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Movant James J. Durrett Jr. (“Mr. Durrett”) does not oppose the competing motions for consolidation of the above captioned actions (the “Actions”), appointment as Lead Plaintiff, and approval of his selection of Lead Counsel. On September 28, 2020, Mr. Durrett timely filed a motion for consolidation of the Actions, appointment as Lead Plaintiff, and approval of selection of counsel, stating that he suffered losses of approximately

\$3,544.05 in financial losses in connection with his purchases of FirstEnergy Corp. securities from February 21, 2017, and July 21, 2020, inclusive. Similar motions for consolidation of the Actions, appointment as Lead Plaintiff, and approval of selection of counsel were filed by other putative class members in the Actions.

The Private Securities Litigation Reform Act of 1995 (“PSLRA”) provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person or group that, among other things, has “the largest financial interest in the relief sought by the class.” 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I). Based upon a review of the competing motions and supporting papers provided by the other movants seeking appointment as lead plaintiff, it appears that, while Mr. Durrett is well-qualified to serve as Lead Plaintiff in the Actions, he does not possess the “largest financial interest in the relief sought by the class” as required by the PSLRA. 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(bb).

This non-opposition shall have no impact on Mr. Durrett’s membership in the proposed class, his right to share in any recovery obtained for the benefit of the class, or his ability to serve as lead plaintiff should the need arise.

DATED: October 1, 2020

CUMMINS LAW LLC

/s/ James R. Cummins
James R. Cummins (0000861)
312 Walnut Street, Suite 1530
Cincinnati, Ohio 45202
Tel: 513.721.9000
Fax: 513.721.9001
jcummins@cumminsllc.us

Liaison Counsel for Mr. Durrett

LEVI & KORSINSKY, LLP
Shannon L. Hopkins
1111 Summer Street, Suite 403

Stamford, CT 06905
Tel: (203) 992-4523
Fax: (212) 363-7171
Email: shopkins@zlk.com

Attorneys for Mr. Durrett